

May 23, 2013

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
Attn: Susan L. Kimmel, Deputy Chief
445 12th Street, S.W.
Washington, D.C. 20554

Via First Class U.S. Mail

Re: Official Notices of Informal Complaint, dated May 10, 2013
FCC Case Nos. 13-C00494503-1-JM Charter Communications, Inc. (Hennesay);
13-C00493397-1-JM Charter Communications, Inc. (Hennesay);
13-C00493120-1-JM Charter Communications, Inc. (Hennesay);
13-C00492821-1-JM Charter Communications, Inc. (Hennesay);
13-C00492314-1-JM Charter Communications, Inc. (Hennesay);
13-C00491646-1-JM Charter Communications, Inc. (Hennesay);
13-C00491020-1-JM Charter Communications, Inc. (Hennesay);
13-C00493967-1-JM Charter Communications, Inc. (Hennesay)

Dear Ms. Kimmel:

This firm is counsel to Fisher Broadcasting – Washington TV, L.L.C., licensee of Television Station KEPR-TV, Pasco, Washington (“KEPR”).

This letter responds to a series of eight informal complaints submitted to the Federal Communications Commission (“FCC”) by Ms. Karen Hennesay pursuant to Section 713 of the Communications Act, 47 U.S.C. § 613, and Section 79.1 of the FCC’s Rules, 47 C.F.R. § 79.1. The complaints have been assigned the case numbers referenced above. KEPR received notice of Ms. Hennesay’s complaint by a courtesy copy¹ of the Official Notices of Informal Complaint dated May 10, 2013, (the “Notice”) delivered by U.S. Mail and apparently directed to Charter Communications, Inc. (“Charter”).

Ms. Hennesay’s complaints identify a series of dates on which she was watching KEPR and did not have access to closed captioning. According to the complaints, Ms. Hennesay only saw a black box and gibberish and codes in the field where the closed captioning should be. Ms. Hennesay’s complaints reported that KEPR was the only station whose closed captioning appeared in this manner.

¹ In other words, KEPR was a party who was cc’d, as expressly set forth on the face of each of the Notices issued to Charter. Because KEPR was only cc’d, it is not clear whether KEPR is required to respond to the Notices.

KEPR's engineering staff believes, based on past experiences with Charter and other viewers, that the issue stems from a set-top box provided by Charter to Ms. Hennesay that does not properly pass through the closed captioning. *See Declaration of John Mazza ("Mazza Declaration")*, ¶ 3. KEPR's engineering staff believes that the reason the set-top box only affects KEPR's signal is because Charter takes KEPR's HD signal and downconverts it to SD (and KEPR believes that Charter does not do that with other stations in the market). *See Mazza Declaration*, ¶ 3.

On May 17, 2013, KEPR's Chief Engineer contacted technical staff at Charter and was advised that Charter was aware of the complaints and was in the process of getting a new set-top box for Ms. Hennesay. *See Mazza Declaration*, ¶ 3. Based on past experiences, KEPR believes that a new set-top box, i.e., one that will properly pass through KEPR's closed captioning, will solve the issues for Ms. Hennesay. *See Mazza Declaration*, ¶ 3.

If Ms. Hennesay has closed captioning problems in the future, KEPR encourages her to use the station's closed captioning contact information maintained on the station website to let KEPR know about the issues. *See Mazza Declaration*, ¶ 4. Contacting the station directly will almost certainly facilitate a faster response and resolution.

In light of the information provided herein, KEPR respectfully requests that the complaints against it be dismissed.

This Response is supported by the Declaration of John Mazza, Chief Engineer for KEPR, and the Certification of David Praga, General Manager of KEPR, who has indicated that he has reviewed this letter in his capacity as an officer of the licensee and that to the best of his knowledge and belief the information herein is true and correct.

Should you have any further questions regarding the above-referenced complaints, please do not hesitate to contact the undersigned.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.



Stephen Hartzell

Counsel to Fisher Broadcasting – Washington TV, L.L.C.

Enclosures

cc: Susan L. Kimmel, FCC (via email)
Judy Miller, FCC (via email)
Ms. Karen Hennesay (via email: khennesay8289@charter.net)

CERTIFICATION OF LICENSEE

I, David Praga, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Certification. I am General Manager of KEPR-TV, Pasco, Washington, licensed to Fisher Broadcasting – Washington TV, L.L.C. I have held these positions at all relevant times.

2. My signature below indicates, under penalty of perjury, that I have reviewed the eight Official Notices of Informal Complaint dated May 10, 2013 (“Notices”), and I am familiar with their contents, I have reviewed the foregoing correspondence from Stephen Hartzell in response to the Notices, and, to the best of my knowledge, information, and belief, I hereby verify the truth and accuracy of the information contained therein. To the extent that I do not have personal knowledge of any relevant facts, I am relying on the statements made in the Declaration of John Mazza, which I have reviewed and with which I am familiar.

[signature appears on following page]

The undersigned, under penalty of perjury, declares the foregoing to be true, complete, and correct to the best of her personal knowledge.

This, the 23rd day of May, 2013.

By:



David Praga
General Manager, KEPR-TV

DECLARATION OF JOHN MAZZA

I, John Mazza, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration. I am Chief Engineer for KEPR-TV, Pasco, Washington ("KEPR"). I have held this position at all relevant times.

2. I have reviewed the eight Official Notices of Informal Complaint dated May 10, 2013 ("Notices") relating to complaints filed by Ms. Karen Hennesay, and I am familiar with their contents. I submit this Declaration in support of KEPR's Response to the Notices. I have personal knowledge of all matters discussed in this Declaration. I have reviewed the foregoing correspondence from Stephen Hartzell in response to the Notices, and, to the extent set forth below, I hereby verify the truth and accuracy of the information contained therein.

3. Since Charter began deriving KEPR's SD signal by downconverting KEPR's HD signal, I am aware of that some Charter subscribers have had issues with passing through KEPR's closed captioning. Charter had previously traced the problem to particular set-top boxes. After receiving a copy of the Notices, I contacted technical staff at Charter, and I was advised that Charter was aware of Ms. Hennesay's issues and that was in the process of getting a new set-top box for Ms. Hennesay. Based on past experiences with other viewers, I believe that when Charter provides Ms. Hennesay with a new set-top box, i.e., one that will properly pass through KEPR's closed captioning, her closed captioning issues will be resolved.

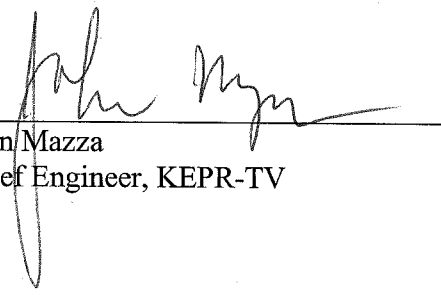
4. It is a high priority for KEPR to ensure that closed captioning functions properly at the station so that all viewers have access to the station's programming. In the event Ms. Hennesay experiences closed captioning issues in the future, we hope she will contact us directly so that we may be of more timely assistance to her.

[signature appears on following page]

The undersigned, under penalty of perjury, declares the foregoing to be true, complete, and correct to the best of his personal knowledge.

This, the 23rd day of May, 2013.

By:



John Mazza
Chief Engineer, KEPR-TV